

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOMA LINDA, COUNTY OF SAN BERNARDINO,
CALIFORNIA, ORDERING THE PREPARATION OF AN
ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE
DISTRICT NO. 1 FOR FISCAL YEAR 2004/200

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), desires to initiate proceedings for Loma Linda Landscape Maintenance District No. 1, Annexations Original, and 1 through 61 (the "District") and for the levy and collection of assessments within the proposed District for the fiscal year 2004/2005, for the purposes provided therefore in the Act; and

The public interest and convenience require the City to initiate proceedings for the levy of assessments within the District for the fiscal year 2004/2005, for the purposes provided thereof in the Act; and

Section 22622 of the Act requires the City to adopt a resolution generally describing any proposed new improvements or any substantial changes in the existing improvements and ordering the Engineer to prepare and file a report in accordance with Article 4 of the Act.

WHEREAS, the City Council of the City of Loma Linda determined that the public interest, convenience and necessity required the installation and planting of landscape materials and the installation and construction of an irrigation system and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the maintenance thereof within the incorporated boundaries of the City of Loma Linda as shown on the attached map; and

WHEREAS, MuniFinancial, 27368 Via Industria, Suite 110, Temecula California, 92590, was appointed "Engineer of Work" with all provisions of Division 15 applicable to the Engineer applied to said "Engineer of Work"; and

WHEREAS, Section 22622 requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district; and

WHEREAS, the City Council has determined that commercial and some multi-family residential properties could provide their own landscape maintenance to standards acceptable to the City; and

WHEREAS, Annexations 53 through 61 have approved a CPI factor to be included on their assessments.

WHEREAS, Proposition 218, Right to Vote on Taxes Act, approved by the voters on November 5, 1996, added Articles XIII C and XIII D to the California Constitution which exempts any assessments imposed when persons owning all of the parcels subject to the assessment agreed to being included in the District and subject to the assessment at the time the assessment is initially imposed; and

WHEREAS, each and every property owner comprising all of the parcels within the District was conditioned to install landscape improvements and agreed to their parcels being included in the District when the assessments were initially imposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that

1. The Engineer of Work is ordered to prepare the report for fiscal year 2004/2005 in accordance with Article 4, Division 15, of the Streets and Highways Code, "Landscaping and Lighting Act of 1972" of the State of California, to reflect the benefit determination outlined above; and

2. The landscaping assessments for fiscal year 2004/2005 are not increased over those imposed for fiscal year 2003/2004 with the exception of Annexations 53 through 61 by a CPI factor; and

3. The current CPI has been determined to be 2.3 percent calculated from the annual average of All Urban Consumers for San Bernardino County; April 2003 to April 22004; and

4. Notices and Assessment Ballots are not required if assessments are not increased other than for the amount of the current CPI.

APPROVED, ADOPTED AND SIGNED this 22nd day of June 2004 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Karen Gaio Hansberger, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk